

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andreas LENDLEIN, et al. Docket No: Q116791

Appln. No.: 10/520,782 Group Art Unit: 1615

Confirmation No.: 2455 Examiner: Carlos A. AZPURU

Filed: December 16, 2005

For: SYSTEMS FOR RELEASING ACTIVE INGREDIENTS, BASED ON BIODEGRADABLE OR BIOCOMPATIBLE POLYMERS WITH A SHAPE MEMORY EFFECT

RESPONSE REQUESTING WITHDRAWAL OF NOTICE OF NON-COMPLIANT/NON-RESPONSIVE REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a communication from the USPTO indicated in the Image File Wrapper of PAIR as a Notice to the applicant regarding a non-compliant or non-responsive amendment, it was indicated that the reply filed on 12/15/2009 was not fully responsive to the prior office action because "Applicant elects claims 1 - 6 and 18 - 22", but the Examiner noted, for example, claims 14 and 15, and the Examiner requested clarification.

In actuality, an election of species requirement had been issued on June 15, 2009, in which election of a species from claim 19 was required. In a Response thereto filed December 15, 2009, it was indicated that Applicant elected the species "films" from claim 19, and that the election reads on at least claims 1 - 16 and 18 - 22, and furthermore that the election was made without traverse.

Since the Notice of non-compliant/non-responsive reply was apparently based on an erroneous misreading that Applicant had elected claims 1 - 6 and 18 - 22, the undersigned attorney attempted to contact the above-identified Examiner. However, having not received a

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reply by April 5, 2010, the undersigned attorney contacted the Supervisory Patent Examiner Robert A. Wax. Supervisory Patent Examiner Wax reviewed the situation, and agreed that there appeared to be an error, and that the Response that had been filed on December 15, 2009, was responsive to the earlier election of species requirement. Under the circumstances, Supervisory Patent Examiner Wax suggested filing this Response, formally requesting withdrawal of the Notice of non-compliant/non-responsive reply.

Accordingly, it is respectfully requested that the Notice issued March 4, 2010 be withdrawn, and that a further appropriate Office Action be issued.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: April 5, 2010